

November 7, 2019

Mr. Ron M. Ferris
City Manager, Palm Beach Gardens
10500 N Military Trail
Palm Beach Gardens, FL 33410
Via Email and U.S. Mail

Re: Palm Beach Gardens Police Department

Dear Mr. Ferris:

In modern day policing it has become abundantly clear that agency and governmental transparency is not only paramount to the reputation of the organization but it is demanded by the public. Public trust is often lost when a police agency appears to have violated their own policies and procedures, especially when it concerns questionable and criminal behavior by one of their own employees. In this case, a police officer. This letter is to put you on notice that the manner, in which the Palm Beach Gardens Police Department handled the criminal arrest of one of their own, Bethany Fedorenchik, has raised questions about their accountability and transparency. Based upon the facts provided and the evidence to substantiate the fact, there is no doubt you will feel the same and look into this matter further to obtain answers in the interest of avoiding the loss of public trust.

In September 2017, I initiated a complaint with the Delray Beach Police Department regarding ongoing stalking that had occurred by Bethany Fedorenchik, an officer with Palm Beach Gardens Police Department. It is important to note that at the time Bethany Fedorenchik and I were legally married but separated and living in our own homes in Delray Beach. Both homes were in the Delray Beach jurisdiction. In the interest of my own transparency, I am a sworn officer with the Delray Beach Police Department and have been for over 20 years. Although this has little to no bearing on the case, it is mentioned for complete disclosure.

In December 2018, the stalking had been ongoing for over a year and had been significantly impacting my life in a negative way. In an attempt to have the harassing and threatening conduct stop, I contacted Assistant Chief Jim Stormes regarding Ofc. Bethany Fedorenchik's behavior. He referred me to Assistant Chief Dominick Pape. I spoke with Assistant Chief Pape and I was told IA Sgt. Grossman would contact me regarding a formal complaint. Shortly thereafter, I arranged with Sgt. Grossman to meet at the Delray Beach Police Department because I was afraid to meet him at Palm Beach Gardens Police Department, where Ofc. Fedorenchik was and is employed. On December 19, 2018, both Sgt. Grossman and Assistant Chief Pape met with me at the Delray Beach Police Department to discuss my complaint. During that meeting we discussed the ongoing stalking and I provided them with a copy of the Delray Beach Police Department report (DBPD Case #17-14767). *See attached Exhibit 1 – the highlights and markings to the report were made by Sgt. Grossman.* I also provided them with an iPhone “live” photo that Ofc. Fedorenchik sent me which showed she used her department issued laptop and possibly a police database to obtain a picture for her own personal use and not law enforcement purposes. Sgt. Grossman asked me to fill out a complaint form and also sign a statement form during that December 19, 2018 meeting. *See attached Exhibit #2.* During that meeting, I advised Sgt. Grossman and Assistant Chief Pape that I wanted Ofc. Fedorenchik to leave me alone. I advised I had made several pleas to her and she continued to harass and

stalk me. I advised both gentlemen that I did not want to get a restraining order or pursue criminal charges but I didn't know what else to do. I was hoping they could help. Assistant Chief Pape told me, "You gotta do what you gotta do." After the meeting ended and prior to leaving the Delray Beach Police Department, Assistant Chief Pape stated that he would have a "Come to Jesus talk" with Ofc. Fedorenchik regardless of whether or not an investigation was conducted by their agency.

On January 4, 2019, I sent Sgt. Grossman an email with a copy of a text message to advise him that Ofc. Fedorochik was still tracking me and stalking me. On January 9, 2019, Sgt. Grossman replied to my email by stating, "[a]t this time, we are not pursuing an investigation in to the possible stalking component." He further advised they would look into the possible misuse of the police database. *See attached Exhibit #3.*

Having been provided with a police report showing the documentation of a stalking complaint and an iPhone "live" photo of an officer using their police issued laptop to capture what appears to be a photo from the D.A.V.I.D. or RMS system, what did the IA Sgt. investigate?

Through a Public Records Request, attached emails show that it was not a thorough investigation into the allegations. As previously stated, the stalking aspect of the complaint was dismissed by the Palm Beach Gardens Police Department. An email dated January 9, 2019 from Palm Beach Gardens Police Department employee Judy Brandt to Assistant Chief Pape states that Ms. Brandt queried the names that I provided him during our complaint meeting in D.A.V.I.D. and FCIC/NCIC. She advised there was no audit trail through RMS or CAD to see if the names provided were queried. She also stated that if he (Assistant Chief Pape) required a wider search, Ms. Brandt would need dates of birth on all subjects. Assistant Chief Pape replied with "Thank You." Why wouldn't Assistant Chief Pape want to make certain that all systems were checked? Why would he settle for the fact there was no audit trial for their internal CAD and RMS systems? Why wouldn't he have a check of Ofc. Fedorenchik's police issued laptop done when it was clear from the iPhone "live" photo provided that her laptop was used to access the photo in question? Instead Sgt. Grossman, as noted in the Investigative Comment section of the Complaint Form (*Exhibit #2*), concluded that "no evidence to support the accusations was found as a result of queries on all systems." This is contrary to the documentation provided which shows a wider search could have been done and it was not. He went on further in an attempt to support that statement by stating he "discussed accusation with employee, who denied improper use of dept. system(s)." Keep in mind that there was no mention of the photo evidence I provided to him and Assistant Chief Pape nor was it found in any documentation provided to me on the "investigation" through a Public Records Request. So now, not only was the stalking allegation ignored but the complaint they chose to investigate was not completely investigated. How does this support public trust and transparency when asked to investigate an officer's misconduct? But it doesn't stop there.

Having exhausted all avenues outside of the criminal justice system to no avail, I had no other choice but to move forward with obtaining a restraining order and criminal charges. The initial report from September 2017 was supplemented to include to most up-to-date information of the on-going stalking and harassing acts of Ofc. Fedorenchik *See attached Exhibit #4 - Supplements to original report.* In March 2019, I was granted a TRO by Circuit Court Judge Burton in the South County Courthouse. The Delray Beach Police Department made the Palm Beach Gardens Police Department aware that a TRO had been obtained and coordinated with them for service of the order on Ofc. Fedorenchik. Approximately one week later, the State Attorney's Office filed an Information charging Stalking and obtained a warrant for her arrest. *See attached Exhibit #5.*

With the assistance of Assistant Chief Stormes, Ofc. Fedorenchik surrendered herself to the Palm Beach County Jail on March 28, 2019. Surprisingly, although the charge of Stalking is required by statute to impose an overnight stay in the jail, Ofc. Fedorenchik was released without being booked, fingerprinted and without going before a judge for first appearance and she also avoided the statutory requirement of the issuing of a criminal No Contact order. Was it just a coincidence that she was accompanied to the jail by her Assistant Chief, former Palm Beach Sheriff Office Colonel Jim Stormes, that she was allowed to post a \$500 bond and not face all of the statutory requirements? *See attached Exhibit #6.*

So, what did the Palm Beach Gardens Police Department do after Ofc. Fedorenchik was served with a TRO and arrested for stalking? On March 19, 2019, Ofc Fedorenchik was placed on Administrative Leave with pay. *See attached Exhibit #7.* On March 21, 2019, Ofc. Fedorenchik was placed on modified duty status. *See attached Exhibit #8.* As stated in the Interoffice Memorandum of Chief Shannon, this action by Palm Beach Gardens Police Department, placing her on Administrative Leave and Modified Duty was a result of the service of the TRO. There are no memos that address the arrest of Ofc. Fedorenchik, but it is clear that no further action was taken after she was formally charged with a criminal stalking charge and arrested. Their inaction is in opposition of Palm Beach Gardens Police Department's policy governing Internal Affairs Function, Policy and Procedure 4.3.2. Section 6(a)(2) of that policy states that if an employee, "is arrested or otherwise the subject of a criminal indictment or information, that employee shall be placed on administrative leave without pay pending the results of the internal investigation and/or criminal proceedings." How is it Ofc. Fedorenchik was not placed back on administrative leave immediately following her arrest/surrender to the Palm Beach County Jail on March 28, 2019? Does this not violate Palm Beach Gardens Police Department's own policies and procedures? How was she allowed to report for modified duty and receive a full paycheck, violating the agency's own policy? *See attached Exhibit #9.*

At the conclusion of the criminal case, Ofc Fedorenchik was immediately restored to full duty status. However, was an Internal Affairs investigation ever conducted? The answer is, No. This is painfully clear in an email exchange between Sgt. Grossman and me where he stated, "There was no Internal Affairs investigation conducted regarding this matter." *See attached Exhibit #10.* This is not in line with Palm Beach Gardens Police Department's policies and procedures as it states in the Internal Affairs Function, Policy and Procedure 4.3.2 (1)(b)(5) that Internal Affairs "shall investigate criminal misconduct." Section 2(h) states, "Emergency complaints such as an officer involved shooting or arrest of an employee should be immediately relayed verbally through the chain of command to the Chief of Police for the assignment of an Internal Affairs investigation." Further, the policy states in section 2(j)(4) that a "written complaint form" will be sent to Assistant Chief and Chief if an employee is arrested. It goes on to say in section 4(a) that the policy requires that "all internal investigations shall be documented in writing." Yet numerous public records requests have produced no documented record of Ofc. Fedorenchik's arrest or any type of administrative investigation regarding her conduct and subsequent arrest. The only documentation found was the memo returning Ofc. Fedorenchik to duty and placing her back on her prior assigned shift. *See attached Exhibit #11.* Regardless of the outcome of the criminal case, which was found to have probable cause by the State Attorney's Office and the judge that issued the warrant, Palm Beach Gardens Police Department failed to follow their own policies by allowing Ofc. Fedorenchik to return to the community as a law enforcement officer without even initiating an investigation into her criminal behavior. Shockingly, just prior to the TRO being served and a warrant being issued, Ofc. Fedornechik was the subject of an Internal Affairs investigation for a Response to Resistance and Conduct during an arrest. *See attached Exhibit #12.*

The behavior displayed during this arrest is uncomfortably similar to the behavior brought to the attention of Sgt. Grossman and Assistant Chief Pape during our meeting regarding my complaint. Should this not throw up a red flag? Shouldn't this be a reason for that "come to Jesus talk" Assistant Pape stated he would have with Ofc. Fedorenchik? Doesn't it at least warrant someone looking into her behavior after an arrest? Instead she is returned to full duty and at some point invited back and currently holding a position with the Palm Beach Gardens Police Department S.W.A.T. team. It is difficult to understand why Palm Beach Gardens Police Department would not conduct an Internal Affairs investigation after Ofc. Fedorenchik was arrested but what is even more difficult to understand is the fact they put her back on the Special Weapons and Tactics Team and provide her a high powered rifle and specialized training after being provided with a police report detailing her threatening behavior which caused a legitimate fear that she was going to do harm to me.

However Palm Beach Gardens Police Department viewed my complaint, the fact of the matter is that the State Attorney's Office and a judge found probable cause for an arrest of Ofc. Fedorenchik. It should also be pointed out that although the criminal case was nolle prossed, this was not done due to lack of evidence or a court dismissal. The inaction on the part of the Palm Beach Gardens Police Department is unacceptable. It is difficult to believe that Ofc. Fedorenchik was not treated differently than that of an average citizen who would have committed the same crime. To add insult to injury, the Palm Beach Gardens Police Department swept it under the rug, not once but twice, even after criminal charges were filed.

In summary, there is an officer who currently works for the Palm Beach Gardens Police Department who was served with a TRO and placed on administrative leave for one day and then assigned to modified duty. This same officer, about a week later, was arrested for the criminal charges of stalking and was not placed on administrative leave as is dictated by Palm Beach Gardens Police Department's own policy 4.3.2. Instead, Ofc. Fedorenchik is allowed to remain on modified duty. You also have an agency which in response to the TRO and arrest did not initiate an investigation or investigate the criminal acts and instead allows the officer to go back to full duty with no consequences for her actions. Does this sound transparent or like someone who is held to a higher standard and was accountable for their actions? What message is this agency conveying to the public when they violated their own policies and procedures to benefit one of their own?

I look forward to hearing from someone in your office regarding these disturbing issues. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Nicole Guerriero

Nicole Guerriero
561-767-6144

Cc: Mark T. Marciano, Mayor
Rachelle A. Litt, Vice Mayor
Maria G. Marino, Councilmember
Carl W. Woods, Councilmember
Matthew J. Lane, Councilmember